THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.19382 OF 2005

Dated 5th September 2005

Between:

A.V.R.Murthy S/o.A.S.Murthy,

Aged 55 years Occu:Retired Employee under

VRS Scheme, R/o.H.No.1-4-98/41/A&B,

Gandhi Nagar, Hyderabad.

…Petitioner

And

University of Hyderabad, Gachibowli, Hyderabad

And another.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 19382 OF 2005

O R D E R:

The petitioner was employed in the first respondent University. He took voluntary retirement, with effect from 12.8.2005. His grievance is that his gratuity is not being paid, on the strength of an order dated 6.7.2005, passed in I.A.No.2274 of 2005 in O.S.No.1742 of 2005, on the file of the Additional Junior Civil Judge, Rangareddy District.

Learned counsel for the petitioner submits that even if there exists an order of

a Civil Court, in relation to such amount, it becomes totally opposed to Section 60(1)(g) of C.P.C., and contends that there does not exist any justification for the respondents, in withholding the amount. The learned Standing Counsel for the respondents, on the other hand, submits that the delay in payment of gratuity is, due to the processing the application at appropriate levels, and not on account of any order of a Civil Court.

It is not in dispute that the petitioner took voluntary retirement from service of the first respondent University. His grievance is only about the non-payment of gratuity. A perusal of Section 60(1)(g) of C.P.C., clearly discloses that amount payable as gratuity, is kept out side the scope of attachment. Further, the order in I.A.No.2274 of 2005, is in relation to retirement benefits payable to the petitioner, and not as regards the amount payable towards gratuity. When C.P.C. prohibits attachment of gratuity, it is impermissible for the respondents to withhold it. At any rate, the learned Standing Counsel, on instructions, submits that the non-payment of gratuity to the petitioner is not on account of the order in I.A.No.2274 of 2005. According to him, the payment would be finalized in all probability, within two or three days.

Having regard to the facts and circumstances of the case, the writ petition is disposed of, directing the respondents to release the amount, payable to the petitioner towards gratuity, within a period of one week, from the date of receipt of a copy of this order. There shall be no order as to costs.

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5th September 2005

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